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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/253,783	02/22/1999	SHINICHI HATAE	35.C13342	6059
5514	7590	12/29/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			TRAN, THIEN D	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2665	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/253,783	<b>Applicant(s)</b> HATAE ET AL.	
	<b>Examiner</b> Thien D. Tran	<b>Art Unit</b> 2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 8-11, 20-22, 24, 28 and 34-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-11, 20-22, 24, 28, 34-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 8-11, 20-22, 24, 28, 34-49 are rejected under 35 U.S.C. 102(e) as being unpatentable by Baker (U.S Patent No 6,081,852).

Regarding claims 1, 8-11, Baker discloses a data communication system comprising:

a desktop camera & computer (source node) adapted to transfer object data, figure 1; and  
one or more printers (destination nodes), figure 1,

computer (controller) adapted to control a logical connection between the source node and the one or more printers, figure 1

wherein said source node is adapted to set a segment size in accordance with reception capabilities of said one or more destination nodes in order to segment object data into one or more segments, to segment the objection data into one or more segments in accordance with the segment length (size) and to transfer data in each segment to said one or more destination addresses (destination nodes) via a logical connection, col.22 lines 15-20;

wherein the reception capability includes a maximum payload size as long as the size is less than the high water mark of an asynchronous packet being received by the respective destination node, col.18 lines 50-60.

Regarding claim 2, Baker discloses a data communication system, wherein the source node is adapted to transfer data continuously in each segment to the one or more destination node via logical connection, col.22 lines 15-20.

Regarding claim 20, Baker discloses data communication system, wherein the data communication system a serial bus. See col.4 lines 50-60.

Regarding claim 22, Baker discloses data communication system, wherein the object data includes image data. See col.21 lines 49-51.

Regarding claims 24, 28, 34-38, 42-46 Baker discloses a data communication apparatus of transferring object data from a source node to one or more destination nodes via a logical connection comprising:

a setting step, of setting a segment size in accordance with a reception capability of more or more destination nodes;

a segmentation step, of segmenting the object data into one or more segments in accordance with the variable lengths of the packet (segment sizes);

transfer step, of transferring data in each segment from the source node one or more destination nodes via a logical link. See col.4 lines 45-50, col.22 lines 15-22, .

Regarding claims 39, 47, Baker discloses that transmission medium is a bus. Col.9 lines 39-45.

Regarding claims 41, 49, Baker discloses that data is one of image, audio, graphic, text data. See col.2 lines 10-13.

Regarding claims 21, 40, 48, Baker discloses the network using IEEE 1394-1995 standard. See col.4 lines 50-60.

### ***Response to Arguments***

3. Applicant's arguments filed 04/07/2005 have been fully considered but they are not persuasive.

Applicant argues that Baker does not disclose that the source node is adapted to set a segment size in accordance with reception capabilities of one or more destination nodes in order to segment object data into one or more segments, to divide the objection data into one or more segments in accordance with the segment length (size) and to transfer data in each segment to the one or more destination addresses (destination nodes) via a logical connection. However, Examiner respectfully disagrees

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with the argument because Baker discloses the source node is adapted to set a segment size in accordance with reception capabilities of the one or more destination nodes in order to segment object data into one or more segments, to segment (divide) the objection data into one or more segments in accordance with the segment length (size) and to transfer data in each segment to the one or more destination addresses (destination nodes) via a port channel (logical connection), figure 1, col.4 lines 25-40, and col.22 lines 15-20.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (571) 272-3156. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197.

Patent Examiner

Thien Tran

**DUCHO**  
**PRIMARY EXAMINER**

*Ducho*  
*12-20-05*